

REMARKS

STATUS OF CLAIMS

Claims 1-14 have been pending.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Michel et al., U.S. Patent No. 5,625,690 (hereinafter "Michel"), in view of Lampson et al., U.S. Patent Application Publication No. 2003/0194094 (hereinafter "Lampson"), and in further view of Chiles et al., U.S. Patent No. 6,167,567 (hereinafter "Chiles").

In accordance with the foregoing, the pending claims remain for reconsideration, which is respectfully requested. No new matter has been added.

The Examiner's rejections are respectfully traversed.

35 U.S.C. § 103(a) REJECTION:

Independent claims 1-7, 9-11 and 13-14 are allegedly unpatentable over Michel, Lampson and Chiles.

In contrast to the relied upon Michel, Lampson and Chiles, the embodiments provide "when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, access to the accounting server is carried out based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed independent from said access to the contents." It seems the Office Action interprets Chiles' "an update of software" to be similar to the claimed "update the license file." The embodiments are directed to a terminal device determining its own license validity status, and updating the license file in the terminal device, providing a benefit of reducing communication with the server with respect to license management. The independent claims are amended to provide:

the terminal device, when access is made to the contents, refers to a license file in the terminal device ~~is referred to~~, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and

the terminal device, when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, ~~access to~~ accesses the accounting server ~~is carried out~~ based on the registration certification, notification of charging is made to the accounting server and, after the completion of the

charging, access to the contents is continued and a new license file received from the accounting server is installed independent from said access to the contents.

And the language of the claims provides the terminal device determining a need for “update the license file” based upon “a license file in the terminal device is referred to ...” So the language of the claims is expressly directed to “update the license file ... when access is made to the contents ...,” providing a benefit of license management at the terminal device.

Regarding Michel, it is readily apparent that column 4, which is relied upon by the Examiner, requires software ID number transmission to the validation system 100 for validation by the validation system 100, which teaches away from the claimed “the terminal device, when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, ~~access to~~accesses the accounting server ~~is carried out~~ based on the registration certification, notification of charging is made to the accounting server ...”

Furthermore, Lampson, at paragraph [0091] and [0093] discuss downloading a license from the server 220 to the client 200 (FIG. 2) and the DRMOs checks with the server 220 to determine if the application’s use of the content is permitted under the license 223. However, Lampson is silent on the client 200 checking its own license and any license updating by the client 200. In other words, nothing has been cited in Lampson that expressly or implicitly discloses the claimed “the terminal device, when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, ~~access to~~accesses the accounting server ~~is carried out~~ based on the registration certification, notification of charging is made to the accounting server ...”.

Further, it is submitted that the Office Action rationale by which Chiles software updating is equated to the claimed “update the license file” cannot support a prima facie case of obviousness, because no evidence has been provided, expressly or implicitly, that one skilled in the art would further modify Chiles software updating to extend to the claimed “terminal device ... update the license file ... when access is made to the contents” while Chile is silent on any license updating.

For example Chiles, at column 1, lines 58-63 recites:

One conventional widely-used approach aimed at reducing the cost of maintaining software has been to post software updates on a network server and permit users to access, download and remotely install a desired update(s) from the server onto his(her) client computer.

In other words, Chiles discusses that users can visit a software providers website and download software updates. Furthermore, Chiles, at column 14, lines 63-67 discusses:

Upon occurrence of a user-configured date for a product update or a user-initiated update for that product, e.g., software product i, application 500 executes. Within this application, execution first proceeds to block 503 which reads a URL for an FTP update site for this product and then attempts to establish an FTP connection to this site.

In other words, Chiles discusses that a user can set a date or can manually launch a web browser to connects to a software providers FTP update site to download an update for a product.

The embodiments provide a benefit of a terminal device determining itself whether a license update is needed at the terminal. For example, FIG. 6 and FIG. 8 support the claimed embodiments. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be established based upon Michel, Lampson and Chiles, because there is no evidence that one skilled in the art would combine Michel's server based software ID validation with Lampson's discussion of downloading a license from a server and checking the license at the server without any discussion of the client checking its own license validity at the client and without any discussion of an update mechanism by the client, and Chiles software updating, and then further modify Michel's server based validation, or modify Chiles software updating, or modify Lampson's server based license checking while silent on any license checking at the client and silent on any license updating, to achieve the claimed:

the terminal device, when access is made to the contents, refers to a license file in the terminal device ~~is referred to~~, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and

the terminal device, when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, ~~access to~~ accesses the accounting server ~~is carried out~~ based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed independent from said access to the contents (claim 1),

and seen the benefit of, for example, monitoring at the terminal device validity of a license at the terminal device and requesting a server to update the license when necessary.

Applicants respectfully submit that independent claims 2-7, 9-11 and 13-15 patentably distinguish over the cited references for similar reasons as independent claim 1.

Dependent claims are patentably distinguishing at least due to their dependence from the independent claims and/or for reciting patentably distinguishing features of their own. Withdrawal of the rejection of the pending claims and allowance of the pending claims is respectfully requested.

Withdrawal of the rejection and allowance of the claims is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: ____ October 6, 2008 ____ By: _____
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501